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Remarks

By this Amendment, claims 1 and 24 have been amended and claims 1-7, 9-11, 13, 15, 18 and 20-46 remain pending. Claims 1 and 24 have been amended to more clearly define that which Applicants consider to be their invention. Support for the amendments can be found in the Specification at least at page 6, lines 12-13. Accordingly, no new matter has been introduced by this Amendment.

Summary of Personal Interview

Applicants would like to thank Examiner Walczak for the courteous personal interview with Applicant Linda McMeekin and Applicants representative, Erin Harriman on February 10, 2003. During the interview, Applicants discussed the outstanding rejections set forth in the Final Office Action mailed August 28, 2002, which have been withdrawn by the Examiner.

Objection to the Specification

The Examiner objected to the Specification because there was no Brief Description of new Figures 15 – 20. Brief Descriptions of Figures 15 – 20 have been added to the Specification through this amendment, thereby obviating the objection.

The Rejections Under 35 U.S.C. § 112 Second Paragraph

Claim 2 was stated to be indefinite because all of the various materials were defined as being used in one film. Applicants have amended the claim in Markush group format, thereby obviating the rejection.

Claim 13 was stated to be indefinite for depending from canceled claim 12. Applicants have amended claim 13 to depend from claim 11, thereby overcoming the rejection.

Claim 27 was rejected for a lack of antecedent basis for "the open area" of the first and second sides. Applicants have amended claim 27 to provide proper antecedent basis. Applicants respectfully submit that the rejection should be withdrawn in view of this amendment.

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The Prior Art Rejection Under 35 U.S.C. §§ 102 and 103

The Examiner has rejected claims 1, 3, 11, 15, 18, 22, and 24 – 26 under 35 U.S.C. 102(e) as being anticipated by Hochbrueckner. Claims 1 – 4, 18, 22, and 24 – 26 stand rejected under 35 U.S.C. 102(b) as being anticipated by Tanquary. Claim 2 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Hochbrueckner. Claims 29 and 33 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Tanquary in view of Kelly.

The present claims are directed to a device comprising: (a) at least one gathered piece of three-dimensional textured film having textured variations; and (b) a securing means for substantially permanently holding the at least one gathered piece of textured film together; wherein said textured film has an open area of no more than about 45%, based upon the total area of the textured film. See claim 1. Claim 24 relates to a device comprising: at least one piece of three-dimensional textured film, wherein the device is in the form of a spherical poof, a mitt, a cloth having at least about 1.3 textured variations/cm², a glove, a plurality of textured film appendages attached to a holding means or a textured film pad attached to a holding means, wherein said textured film has an open area of no more than about 45%, based upon the total area of the textured film. As discussed in the Specification, the devices of the claimed invention are not only gentle to the skin but also capable of creating superior lather when used with a typical liquid cleanser. Spec., page 2, lines 6-7.

The patent to Hochbrueener teaches a covering for a propane tank. Based on the drawings of the Hochbrueener patent and the drawings and definition of "gathered" of the present invention, it is clear that Hochbrueener does not teach or suggest the gathered article of the present invention. Furthermore, Hochbrunner does not teach or suggest an article having an open area of no more than about 45%. Applicants respectfully submit that the rejection has been overcome and request withdrawal of the rejection.

The patent to Tanquary relates to an embossed condom. As was the case with the Hochbrueener patent, the Tanquary patent does not teach or suggest the gathered article of the present invention. Furthermore, Tanquary does not teach or suggest an article having an open area of no more than about 45%. Applicants respectfully submit that the rejection has been overcome and request withdrawal of the rejection.

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The patent to Kelly is also drawn to a condom and does nothing to make up for the deficiencies of the teachings of Hochbruener and Tanquary. Applicants respectfully submit that none of the references cited by the Examiner teaches or suggests the present invention. Accordingly, Applicants respectfully request withdrawal of these rejections.

Conclusion

Applicants believe that the foregoing presents a full and complete response to the outstanding Office Action. An early and favorable response to this Amendment is earnestly solicited. If the Examiner feels that a discussion with Applicants' representative would be helpful in resolving the outstanding issues, the Examiner is invited to contact Applicants' representative at the number provided below.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 10-0750/JBP-480/EMH.

Respectfully submitted,


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